IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No.385 of 2007
IN
Criminal Appeal No.75 of 2007

Aafaque Mehendihasan Mustak Shaikh. .. Applicant/ Orig.Accused

v/s.

The State of Maharashtra. .. .. Respondent/ Orig.Complainant

Mr.V.C. Desai for Applicant.

Dr.F.R. Shaikh, Additional Public Prosecutor for State.

CORAM : DR.S. RADHAKRISHNAN &

SMT.ROSHAN DALVI, JJ.

Dated : 16th August, 2007

P.C. :

1. Heard the learned Counsel for the Applicant and the learned Additional Public Prosecutor for the Respondent-State.

2. By this Application, the Applicant is seeking bail in view of the fact that the Sessions Court had declined to grant bail

on the ground that the Applicant does not have a permanent place of residence. The Applicant has annexed an Affidavit dated 18th July 2007 of one Mr.Shaikh Noor Mohammed, who claims to be a friend of the Applicant. The said Shaikh Noor Mohammed has undertaken that he will ensure that the Applicant will remain present as and when required during the pendency of the above Appeal. The undertaking of the said Shaikh Noor Mohammed is accepted. The said Shaikh Noor Mohammed also states in the said Affidavit that the Applicant has taken some premises at Goregaon, Mumbai, on leave and licence basis, a copy of the Agreement with regard to the said premises is also annexed to the said Affidavit.

3. The Applicant is, therefore, granted bail on the following terms:-

(i) The aforesaid Shaikh Noor Mohammed shall deposit a sum of Rs.25,000/- with the Registrar General of this Court within a period of two weeks from today by

way of surety amount and he will stand surety for the present Applicant and execute the necessary bond in that behalf.

(ii) The Applicant shall report to D.N. Nagar Police Station in first week of every month within 3 to 5 P.M.

4. The Application stands allowed accordingly.

(**DR.S. RADHAKRISHNAN, J.)**

(ROSHAN DALVI, J.)